

REMARKS

Status of Claims

Claims 1-22 are present for examination.

Prior Art Rejection

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. 102(e) as anticipated by Watanabe (6,157,947). Further, claim 5 stands rejected under 35 U.S.C. 103 as being unpatentable over Watanabe in view of Stiles (6,393,490). Claims 10-13 and 16-22 stand rejected under 35 U.S.C. 103 as unpatentable over Watanabe in view of Stiles. Further, claim 14 stands rejected under 35 U.S.C. 103 as unpatentable over Watanabe in view of Stiles and further in view of Fitzpatrick (5,438,658). Finally, claim 15 stands rejected under 35 U.S.C. 103 as unpatentable over Watanabe in view of Stiles in view of Fitzpatrick and further in view of Smirnov (6,321,133).

The Examiner's rejections are respectfully traversed.

On page 8 of the outstanding Office Action the Examiner recognizes the deficiencies of Watanabe in not teaching paragraphs (f)-(i) of claim 10. For this teaching, the Examiner points to the Stiles reference and in particular, column 5, lines 46 to column 6, line 4; column 6, lines 34-38; column 6, lines 51-64 and column 3, lines 53-65.

In the disclosure of Stiles, it is clear that the user may indeed present a question as for example choosing the "empowerment" option 304 as shown in Stiles Figure 3a. Under these conditions, a dialog display is provided at block 306 to permit the user to add comments and/or indicate the type of communication the comments represent, such as enhancement requests, a comment, a defect report, and/or a question. It is also clear that a response to this question the user is eventually notified as for example in block 318 of Figure 3b of the resolution of the question or problem. It is clear that Stiles is referring to a question from a particular user and a answer which is transmitted back to the particular user. In contrast, as part of applicant's invention, the question and reply information are each registered in

association with the malfunctioning functional unit and are thus transmitted not only to the original user client that posed the question, but, in addition, to other user clients who have registered for the functional unit which is malfunctioning. The reply information is also transmitted to other developer clients which may also have an interest in the functional unit which is malfunctioning. In this manner, effective transmission of fixes may be made to all of those user clients and developer clients who are already employing the functional unit which was found to be malfunctioning. Thus, any given user client who discovers a malfunction of a functional unit may receive the reply information which may, for example, correct the malfunctioning unit, and in addition, the server transmits this reply information to other user clients and other developer clients.

No such corresponding teachings are found in Watanabe taken singly or in combination with Stiles. Column 5 of Watanabe merely shows a general interconnection of company computers to share intellectual property at high speed. There is no recognition that a particular user's question and answers will be shared by other user clients or developer clients who have previously downloaded the functional unit which is found to be malfunctioning. Stiles likewise does not teach sharing the reply information from the original developer to other developers or other user clients who have downloaded the particular malfunctioning functioning unit.

In order to better differentiate applicant's claim 10 from the combined teaching of Watanabe and Stiles, applicant has amended claim 10 to specifically set forth the functions of the server in accepting and registering the reply information wherein claim 10 specifically recites that registering includes storing the reply information in association with the malfunctioning functional unit. The claim also recites that the server transmits the reply information to the at least one user client (the user client who posed the initial question) and to other user clients having registered for the malfunctioning functional unit and additionally to other developer clients who have an interest in the malfunctioning functional unit.

Applicant's invention is recited in independent claims 1, 9, 10 and 22. Independent claim 1 has been amended in a manner similar to that set forth above in connection with claim 10 and has further been amended to recite a fifth step which is taken by the server of accepting and registering the question information wherein the registering includes storing

the question information in association with the at least one functional unit and further transmitting the question information to the at least one developer client of the at least one functional unit. Claim 1 further recites a sixth step taken by the at least one developer unit of transmitting reply information to the question information to the server, a seventh step taken by the server of registering the reply information wherein the registering includes storing the reply information in association with the at least one functional unit and an eighth step of transmitting the reply information to other user clients and other developer clients who have already acquired the at least one of the functional units. Similar recitations appear in applicant's independent claims 9 and 22. These limitations likewise serve to distinguish applicant's invention from the combined teachings of Watamabe and Stiles and are deemed to render these claims patentable over the prior art.

In view of the amendments made hereto, it is submitted that the Patent and Trademark Office has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. 103 at least with respect to applicant's independent claims 1, 9, 10 and 22. Applicant's dependent claims 2-8 and 11-21 are likewise deemed to be patentable at least for the same reasons indicated above with regard to the independent claims from which they depend.

Applicant has made additional amendments to the claims in order to clarify the recitation thereof.

With regard to the abstract, it is believed that the objections to the abstract have now been corrected by amendments made thereto. After amendment, applicant has found that the word count is 128 words utilizing the word "Count" tool in Word.

It is submitted that the application is now in condition for allowance and an early indication of same is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7-7-04

By David A. Blumenthal

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

David A. Blumenthal
Attorney for Applicant
Registration No. 26,257